

# ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

## Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 15.104 and 15.106, the Iowa Department of Economic Development adopts amendments to Chapter 211, "Community Attraction and Tourism Development (CATD) Programs," Iowa Administrative Code.

The amendments incorporate recent legislative changes made by 2009 Iowa Acts, House File 822, that impact the committee structure within the Vision Iowa Board. Pursuant to 2009 Iowa Acts, House File 822, the Community Attraction and Tourism (CAT) Review Committee will continue to review CAT applications and the Vision Iowa Review Committee will evaluate and rank River Enhancement Community Attraction and Tourism (RECAT) applications. Pursuant to 2009 Iowa Acts, Senate File 336, an applicant for financial assistance under the CAT or RECAT program may apply to the Vision Iowa Board for a waiver of any local or private matching moneys required by the Board. These amendments establish a process by which the Vision Iowa Board will review requests to waive any local or private matching moneys.

The Vision Iowa Board approved these amendments on July 8, 2009. The IDED Board adopted these amendments on July 16, 2009.

In compliance with Iowa Code section 17A.4(3), the Department finds that notice and public participation are impracticable and contrary to the public interest because these amendments implement legislative changes that became effective on July 1, 2009, and establish a procedure for the Vision Iowa Board to act in a timely manner on waiver requests that may be submitted by an applicant.

The Department finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of these amendments should be waived and the amendments be made effective on July 17, 2009. These amendments confer a benefit on the public by not disrupting the operation of the programs and by allowing the Vision Iowa Board to take action on pending applications.

These amendments are also published herein under Notice of Intended Action as **ARC 8033B** to allow for public comment.

These amendments became effective on July 17, 2009.

These amendments are intended to implement Iowa Code chapter 15F as amended by 2009 Iowa Acts, House File 822 and Senate File 336.

The following amendments are adopted.

ITEM 1. Amend rule **261—211.2(15F)**, definitions of "RECAT fund" and "River enhancement," as follows:

"*RECAT fund*" means the river enhancement community attraction and tourism fund established pursuant to ~~2008 Iowa Acts, Senate File 2430, section 7~~ Iowa Code section 15F.205.

"*River enhancement community attraction and tourism project*" means ~~an attraction that promotes and enhances recreational opportunities on and near rivers or lakes within cities~~ a project that creates or enhances recreational opportunities and community attractions on and near lakes or rivers or river corridors within cities across the state under the purview of the program.

ITEM 2. Adopt the following **new** definition of "Vision Iowa program review committee" in rule **261—211.2(15F)**:

"*Vision Iowa program review committee*" means the committee established by Iowa Code section 15F.304(2) as amended by 2009 Iowa Acts, House File 822, and identified as the following members of the vision Iowa board: four members of the general public, the mayor of a city with a population of 20,000 or more, the director of the Iowa department of economic development or designee, the treasurer of state or designee, and the auditor of state or designee. The chairperson and vice chairperson of the vision Iowa board may serve as ex officio members of any subcommittee of the board.

ITEM 3. Amend rule 261—211.8(15F) as follows:

**261—211.8(15F) Application review criteria.** Applications meeting the threshold requirements of rule 261—211.7(15F) will be reviewed by IDED staff and passed on to the vision Iowa board. IDED staff shall provide a review, analysis and evaluation of the applications to the CAT and vision Iowa program review committee ~~committees~~ of the vision Iowa board. All eligible applications will be reviewed by the vision Iowa board. The CAT review committee shall evaluate and rank CAT applications and the vision Iowa program review committee shall evaluate and rank RECAT applications based on the following criteria:

**211.8(1) to 211.8(6)** No change.

ITEM 4. Amend rule 261—211.9(15F) as follows:

**261—211.9(15F) Application procedure.** Subject to availability of funds, applications are reviewed by IDED staff on an ongoing basis and reviewed at least quarterly by the board. Applications will be reviewed by staff for completeness and eligibility. If additional information is required, the applicant shall be provided with notice, in writing, to submit additional information. A review, analysis and evaluation from the IDED staff will be submitted to the CAT and vision Iowa program review committee ~~committees~~ of the board, who will then make a final recommendation to the complete board for final approval, denial or deferral. The vision Iowa board has the option of funding a component of a proposed project if the entire project does not qualify for funding.

**211.9(1)** Application forms shall be available upon request from IDED, 200 East Grand Avenue, Des Moines, Iowa 50309; telephone (515)242-4827 725-3197; and on IDED's Web site at www.iowalifechanging.com.

**211.9(2) and 211.9(3)** No change.

ITEM 5. Adopt the following new rule 261—211.103(15F):

**261—211.103(15F) Procedures for waiver of local or private matching moneys.**

**211.103(1) General information.** Within the parameters of this rule, the board may, for good cause shown, waive any requirements for local or private matching moneys for CAT and RECAT beginning July 1, 2009, and ending June 30, 2010. 2009 Iowa Acts, Senate File 336, allows a community to apply to the board for a project-specific waiver of any local or private matching moneys required of the applicant by the board pursuant to Iowa Code section 15F.202. This rule also establishes a process for applicants to apply for a waiver of requirements for local or private matching moneys that the department has established by rule for the CATD programs.

**211.103(2) Definitions of "good cause."** For purposes of this rule, "good cause" includes but is not limited to documentation of the following:

*a.* Disaster area. An applicant can establish good cause by demonstrating that the proposed project is located or plans to locate in an area declared a disaster area by the governor or by a federal official. To qualify for a waiver on the basis of a disaster area, an applicant shall meet all of the following criteria:

(1) The project must be located within an area declared a disaster area by the governor or by a federal official.

(2) The community must apply for the waiver within 36 months of the date of the disaster declaration.

(3) The community must document why a waiver is necessary as a result of the natural disaster.

*b.* Reserved.

**211.103(3) Waiver procedures and board action.**

*a.* Waiver requests shall be submitted in writing to the department at the time the CAT or RECAT application is submitted. The request shall include documentation of good cause as defined in subrule 211.103(2).

*b.* Waiver requests will be reviewed as part of the application review process and acted upon by the board. If a request for a waiver is approved, the board will proceed with a final decision on the application.

c. The board may approve all or a portion of the request or deny or defer action on waiver requests. The board reserves the right to condition its approval upon terms and conditions the board deems appropriate for the specific project.

ITEM 6. Amend ~~261~~—**Chapter 211**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 15F as amended by ~~2008 Iowa Acts, Senate File 2430 and House File 2450~~ 2009 Iowa Acts, House File 822, and 2009 Iowa Acts, Senate File 336.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/12/09.